IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.363 OF 2006

IN

SUMMARY SUIT NO.18 OF 2006

Maharashtra State Road Development Corpn. Ltd. ...Plaintiff.

vs.

Garuda Aviation Services Pvt.Ltd. ...Defendant.

Mr.V.C.Ghosalkar, for Plaintiff.

Mr.Vinay Hegde, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 9th January, 2007.

P.C.:-

By consent of parties, the summons for judgment is disposed of in the following terms:-

1. In case the defendant deposits an amount of Rs.10,00,000/- (Rupees Ten lakhs only) in this Court within a period of four weeks from today, with due intimation to the plaintiff, the summons for judgment shall stand disposed of and leave to defend

shall stand granted to the defendant. In that event, defendant to file written statement within a period of eight weeks from the date of deposit.

2. In case the amount is so deposited, the Prothonotary and Senior Master of this Court shall permit the plaintiff to withdraw the amount on furnishing an undertaking undertaking to this court to bring back the amount if so directed by this Court on such terms and conditions as may be directed by this Court, with further undertaking that in case of redeposit the rate of interest shall not be less than 12% per annum. The withdrawal by the plaintiff be permitted within a period of eight weeks from the date of deposit.

3. In case the amount is not withdrawn within the aforesaid period, the Prothonotary and Senior Master of this Court shall invest the amount in fixed deposit in a nationalised bank during the pendency of the suit.

4. In case the defendant fails to deposit the amount within the aforesaid period, this summons for judgment shall stand granted and the suit of the plaintiff shall stand decreed in terms of the prayer clause (a) of the suit. In that event refund of court fees as per rules.